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FILED
JUL 28 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) No. CR-4-06-70440 WDB
12 Plaintiff,) STIPULATION AND [PROPOSED]
13 vs.) ORDER CONTINUING DATE FOR
14 JEANNE LILLY,) PRELIMINARY HEARING OR
15 Defendant.) ARRAIGNMENT FOR JEANNE LILLY
16

17 Jeanne Lilly initially appeared before the Court on July 13, 2006. On that date the
18 preliminary hearing or arraignment was set for August 2, 2006. Undersigned counsel has been
19 appointed for Ms. Lilly, has requested discovery, and has been communicating with the
20 government about an early resolution that may make proceeding by indictment unnecessary. The
21 parties believe that such a resolution will be possible. However, discovery has not been
22 provided, and the parties do not expect that any agreement will be reached by August 2.
23 Therefore, the parties stipulate and agree that the date for preliminary hearing or arraignment be
24 continued to September 7, 2006.

25 Ms. Lilly has a right under Federal Rule of Criminal Procedure 5.1 to a preliminary
26 hearing or indictment within 20 days. Ms. Lilly and counsel have discussed that right, and Ms.

CC: WDB's Stats, Copies to parties
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via ECF

1 Lilly desires to waive that right. Good cause for the extension exists because of the delay in
2 discovery, and because of the continuing discussions between Ms. Lilly and the government. In
3 addition, Ms. Lilly has a right under 18 U.S.C. § 3161(b) to be indicted within thirty days. Ms.
4 Lilly and counsel have discussed that right, and Ms. Lilly desires to exclude time between August
5 2, 2006 and September 7, 2006 under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv) because of the
6 continuing discussions and delay in discovery, which have delayed the effective preparation of
7 counsel. The parties stipulate that the ends of justice served by the granting of this continuance
8 outweigh the best interests of the public and Ms. Lilly in a speedy indictment and trial.

9 SO STIPULATED.

/S/

10 Date: July 24, 2006

Rebecca Silbert
Assistant Federal Public Defender
Counsel for Ms. Lilly

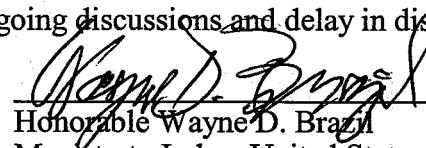
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12 Date: July 27, 2006

George Bevan
Assistant United States Attorney

13
14 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
15 "conformed" signature (/S/) within this efiled document.

16 In light of the stipulation of the parties, and because of the ongoing discussions and delay
17 in discovery, the Court HEREBY ORDERS that the date for preliminary hearing or arraignment,
18 as applied to Jeanne Lilly, be continued to September 7, 2006. The Court further orders that time
19 be excluded from August 2, 2006 to September 7, 2006 pursuant to 18 U.S.C. § 3161(h)(8)(A)
20 and (B)(iv), and finds that the ends of justice served by granting the continuance outweigh the
21 best interests of the public and Ms. Lilly in a speedy indictment and trial. The Court further finds
22 that the continuance is necessary for effective preparation of counsel, taking into account the
23 exercise of due diligence, because of the ongoing discussions and delay in discovery.

24 Dated: 7/28/06


Honorable Wayne D. Brazil
Magistrate Judge, United States District Court
Northern District of California